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SENSITIVE
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ASEC, EAID, EG
SUBJECT: Tenth Annual Trafficking In Persons (TIP) Report - Cairo
Submission

REF: 10 STATE 2094

11. (U) This cable contains U.S. Embassy Cairo's response to Trafficking in Persons (TIP) contribution requirements (reftel A). The following text contains responses to paragraphs 23-29 in the original tasking cable.

12. (U) THE COUNTRY'S TIP SITUATION:

-- A. Available sources of information include the press, the Egyptian government, UN organizations, and independent TIP experts. We regularly discuss TIP with officials in the Egyptian Ministry of Foreign Affairs (MFA), Ministry of State for Family and Population (MSFP), the Public Prosecutor's Office, the Ministry of Justice, the International Organization for Migration and UNICEF.

In 2010, the National Council for Childhood and Motherhood (NCCM) - a unit of the MSFP - conducted a study of "summer marriages," a practice whereby Egyptian girls and young women enter into short-term marriages with tourists, many from other Arab countries. In conjunction with the release of the study, the NCCM launched a media campaign to raise societal and government awareness of the practice, including establishing a "hotline" for reporting instances of the practice and to counsel victims.

In 2010, the National Commission for Combating Trafficking in Persons, composed of 16 agencies in the Government, entered into an agreement with various UN agencies to provide financial support to the National Center for Criminological and Social Research's efforts to carry out a comprehensive study on TIP to determine the nature and scope of the problem in Egypt. The anticipated completion date for the study is the fall of 2010.

Our sources are generally reliable, but several are likely to reflect the government's view of the situation.

-- B. Egypt is a country of origin for street children and others trafficked domestically and there are reports that Egypt is used as a transit country for Eastern European women being trafficked to Israel.

Trafficking occurs within the country's borders, but does not occur in territories outside the government's control. Street children are the most vulnerable population. Street children are trafficked locally where they may be forced to beg and participate in prostitution. Some independent analysts estimated that there may be as many as one million street children in Egypt. Government experts believe the number to be lower and cite a study conducted by the government in 2009, with financial and technical assistance from the World Bank and the Arab Urban Development Institute, which identified approximately 5200 street children in central Cairo.

There are many cases of child marriages where poor families, often living in villages, marry their daughters -some below 18, the legal age of marriage - to older men from the Arabian Gulf in return for money, which is used to assist the families financially. There are no statistics on the scope of this practice. Children are subject to domestic servitude, but there are no reliable statistics. Children are also recruited for seasonal agricultural work. Some children employed in domestic and agricultural work may face conditions of involuntary servitude, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Instances of child sex tourism are reported in Cairo, Alexandria and Luxor. There have been no changes in destinations for trafficking.

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The Government of Egypt does not fully comply with minimum standards for the elimination of trafficking, but is undertaking significant actions to do so. In July 2007, the government established the National Coordinating Committee to Combat and Prevent Trafficking in Persons which improved inter-governmental coordination on anti-trafficking initiatives. In 2009, the Committee completed drafting a comprehensive law to criminalize all forms of trafficking in persons. The draft is currently under consideration by Egypt's Parliament, and Egypt's ruling National Democratic Party announced in November 2009 that passage of the law is one of the party's priorities for the 2009-2010 legislative session.

The Egyptian Government in June 2008 passed amendments to its Child Law, which criminalized trafficking of children. In 2009, two marriage registrars were prosecuted under the law for facilitating marriages of hundreds of under-age Egyptian girls, primarily to foreigners. An additional 22 registrars were arrested and are reportedly under investigation by Egypt's Public Prosecutor for facilitating hundreds of other marriages, in violation of the Child Law. In early 2010, five people were arrested for facilitating an under-age marriage including the victim's parents, the "husband," a marriage "broker" and the registrar.

Since the passage of the Child Law amendments, the Public Prosecutor's office conducted training for 125 prosecutors working on children's cases. The three-day training program, organized with the assistance of USAID, defined trafficking in children, addressed prosecutor responsibilities for protecting child victims, educated prosecutors about street children, and addressed the need to provide health and psychological care for child victims. The Public Prosecutor's office prepared a handbook that was distributed to all prosecutors working with children, which explains how to use the child law amendments to prosecute cases.

In 2008, the National Committee for Childhood and Motherhood (NCCM) formed a special anti-trafficking unit using USD 1 million in USAID funds made available through the Ministry of International Cooperation. The establishment of this unit strengthened measures

to prevent and combat trafficking in children through: 1) legislative reform, 2) capacity building of governmental and civil society organizations to address issues related to child trafficking; 3) raising public awareness and community responsibility; 4) establishing a mechanism for data collection and analysis; and 5) protecting and rehabilitating children at risk and their families. NCCM's TIP Unit will also develop a national plan of action to combat child trafficking. The unit's goal is to provide protection and assistance to victims and children at risk, rehabilitate victims of trafficking, provide training and awareness, establish a database and coordinate activities of governmental and non governmental bodies. The National Council for Women also established a special unit for TIP to push for policies to protect women from becoming trafficking victims.

-- C. The conditions that people are trafficked into depend on the type of trafficking. Street children remain on the streets, but are subject to abuse. There are reports that women from Eastern Europe are moved from Cairo to the Sinai Peninsula and then to Israel. Such reports are difficult to verify.

-- D. Street children, young females from economically underprivileged families, female refugees, and Eastern European females going to Israel through Egypt are most at risk of being trafficked.

-- E. Traffickers are street children, family members, marriage

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brokers, and external organized crime groups (i.e. purportedly moving women from Eastern Europe through Egypt to Israel). Victims in Egypt are usually trafficked because they are vulnerable and lack the ability to protect themselves, such as street children, young girls from impoverished families, and refugees. Traffickers may use money as a motivation for trafficking. In the case of early marriages, young females (some, but not all, below the legal marriage age) may accept marriage to older men, often from the Gulf, in return for financial assistance to themselves and their families. In the case of street children, traffickers may approach potential victims to make them part of the group or the gang. There are no national or official agencies that traffic victims.

13. (U) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. The government now recognizes the trafficking of street children and "summer" marriages as domestic slavery issues. Government officials previously noted that Egypt has been used as a transit country for Eastern European women trafficked to Israel. The government will host the first visit to Egypt by the UN Special Rapporteur on Trafficking in Person's in April 2010.

-- B. Multiple government agencies are involved in anti-trafficking efforts especially under the auspices of the National Coordinating Committee to Combat and Prevent Trafficking in Persons. The lead agency for the Committee is the Ministry of Foreign Affairs. However, 15 agencies are also involved including the Ministry of Justice, Public Prosecutor's Office, the National Council for Childhood and Motherhood, National Council for Criminological and Social Studies, Ministry of Interior, Ministry of Social Solidarity, Ministry of Tourism, Ministry of Health, Ministry of Information, Ministry of Manpower and Migration, Ministry of Education and the National Council for Women.

-- C. The lack of financial resources is a significant impediment to the implementation of trafficking laws.

Additionally, the lack of training for first responders (police) has impeded implementation, although in 2008 and 2009 IOM and Egypt's Ministry of Interior collaborated to provide TIP training to police officials. Prosecutors and judges could also use training to help prosecute cases under trafficking laws, although in 2009 the Public Prosecutor's office successfully prosecuted two cases involving marriage registrars and a case involving prostitution and street children.

Egypt lacks data and statistics on the nature and scope of trafficking, although in 2009, as discussed above, the government, in cooperation with UN agencies, initiated a national study to evaluate the scope of the issue. Overall corruption is a problem, but it is not directly related to trafficking in persons. The government lacks resources to aid victims, but in 2009, in cooperation with the IOM, the Ministry of Health allocated public hospital facilities and personnel to establish a trafficking victim's resource center. Egypt's Ministry of State for Family and Population (MSFP), working with NGOs, established in August 2009 in Cairo's low-income Dar Al Salaam area a rehabilitation center for victims of child trafficking.

-- D. The government does not systematically monitor anti-trafficking efforts in terms of prosecution, prevention and protection.

--E. The government has a well-developed birth registration and national identity card system. The 2008 Child Law amendments

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addressed an inadequacy in the system by facilitating the registration of births out of wedlock. The NCCM has a national program to encourage poor, rural families to register births.

--F. The government is unable to systematically maintain and gather data on TIP and related prosecutions, in part because of the lack of comprehensive legislation. Local TIP experts rely on anecdotal and press accounts of prosecutions.

14. (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

-- A. The Child law: Enacted in 1996. It was law no. 12 of 1996 and amended to law number 126 of 2008

Child Law Amendments:

Article 7 to penal code provision no. 291: Violating the rights of a child to be protected from trafficking is unlawful. This includes trafficking, sexual abuse, commercial or economic abuse and use of a child in research and scientific experiments. Whoever sells, buys or presents a child for sale, and whoever sells the child as a slave, assaults a child sexually or commercially or uses a child in forced labor or for any illegal gains is punishable by at least 5 years of imprisonment and a fine no less than 50,000 LE and not

more than 200,000 LE. (USD 9,000-36,000). The penalty applies even if the act was committed abroad. The same penalty applies on those who incite such acts even if the crime was not committed based on this incitement. The penalty is multiplied if committed by an organized transnational crime group.

Child Law

Article 64: Takes into consideration the non-violation of provision 18(b) of the Education Law no 139 of 1981. It is unlawful to employ a child under the age of 15 and it is unlawful to train a child before reaching the age of 13. The Governor of a specific Governorate can ask the Minister of Education to permit children aged 12-14 to engage in seasonal work as long as it does not affect the children's health, growth and school attendance.

Article 65: It is unlawful to employ a child in any work that can by its nature or its conditions risk the health, well-being or morality of a child. It is particularly unlawful to employ a child in the worst forms of child labor as stipulated in the agreement number 182 of 1999. A child should be subject to medical check-up before employment. The medical check-up should be conducted at least once a year. The employment must not lead to pain, physical or psychological impairments to the child and not deprive a child from the right to education, leisure, development. The employer is obligated to provide health insurance for the child and to protect him/her from any harm that could take place during work. A child's annual leave is 7 days longer than adults and should not be delayed or canceled.

Article 66: A child should not be employed for more than 6 hours a day and there should be at least one break for lunch or rest for at least one hour during the day. A child should not work for more than 4 hours consecutively. A child should not work overtime or during weekly or official holidays.

Prostitution law: Enacted in 1961 and called the Law for Combating
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Prostitution.

Prostitution Law:

Article 1(a): Any person who incites a male or a female to practice debauchery or prostitution or tempts them to engage in these practices is punished with a minimum of one year of imprisonment and a maximum of three years, and a fine between 100 LE and 300 LE (USD 18-55).

Article 1 (b): If the victim is below 21 years of age the imprisonment should be at least one year and maximum five years. The same penalty applies to any individual who uses, deceives, or encourages a male or a female to commit debauchery or prostitution through deception, force, threat, misuse of authority or any means of coercion. The penalty also applies to whoever keeps a male or a female without their consent in a place for prostitution or debauchery.

Article 3: Whoever incites or facilitates a male or a female below the age of 21 to travel outside Egypt to work in debauchery or prostitution is punished by imprisonment of at least one year and at most five years, and a fine between 100 LE and 500 LE. (USD 18-91).

Article 9: Imprisonment of at least three months and a maximum of three years, and a fine between 25 LE to 300 LE (USD 5-55) applies to:

Any person who rents or provides a place for prostitution or debauchery.

Any person who furnishes a venue that facilitates prostitution or debauchery whether with the person's consent or by allowing others to encourage prostitution or debauchery.

Any person who habitually practices debauchery or prostitution.

When arrested, the person may be sent for medical examination. If the person proves to have any venereal infectious diseases, he/she will be kept in a medical facility until he/she heals from the disease. A verdict may be issued to put the convicted person in a special institution after serving the sentence until an administrative entity orders his/her release. However, the person may not be kept more than three years.

Venues used for prostitution or debauchery will be closed. The closing duration should not exceed three months.

On June 7, 2008, Egypt passed amendments to the current Child Law criminalizing the trafficking of children. Under the child law amendments, an individual who sells, buys, or offers a child for sale may be sentenced to at least five years' imprisonment and fined up to LE 200,000 (\$36,000).

A Ministry of Justice decree bans marriages of Egyptian girls to foreigners, if the age gap is more than 25 years. The government prosecutes trafficking-related cases under laws prohibiting commercial sexual exploitation, with penalties of up to seven years

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imprisonment and forced labor.

The government has drafted and submitted to Parliament a comprehensive trafficking law. The law will criminalize all forms of trafficking in persons and will define all people as possible victims, not just children.

-- B. Prostitution law: Enacted in 1961 and called the Law for Combating Prostitution.

Prostitution Law:

Article 1(a): Any person who incites a male or a female to practice debauchery or prostitution or tempts them to engage in these practices is punished with a minimum of one year of imprisonment and a maximum of three years, and a fine between 100 LE and 300 LE (USD 18-55).

Article 1 (b): If the victim is below 21 years of age the imprisonment should be at least one year and maximum five years. The same penalty applies to any individual who uses, deceives, or encourages a male or a female to commit debauchery or prostitution through deception, force, threat, misuse of authority or any means of coercion. The penalty also applies to whoever keeps a male or a female without their consent in a place for prostitution or debauchery.

Article 3: Whoever incites or facilitates a male or a female below the age of 21 to travel outside Egypt to work in debauchery or prostitution is punished by imprisonment of at least one year and at most five years, and a fine between 100 LE and 500 LE. (USD 18-91).

Article 9: Imprisonment of at least three months and a maximum of three years, and a fine between 25 LE to 300 LE (USD 5-55) applies to:

Any person who rents or provides a place for prostitution or debauchery.

Any person who furnishes a venue that facilitates prostitution or debauchery whether with the person's consent or by allowing others to encourage prostitution or debauchery.

Any person who habitually practices debauchery or prostitution.

When arrested, the person may be sent for medical examination. If the person proves to have any venereal infectious diseases, he/she will be kept in a medical facility until he/she heals from the disease. A verdict maybe issued to put the convicted person in a special institution after serving the sentence until an administrative entity orders his/her release. However, the person may not be kept more than three years.

Venues for prostitution or debauchery will be closed. The closing duration should not exceed three months.

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-- C. The Unified Labor Law does not define "forced labor." Therefore, there are no specific provisions against it. The Egyptian Government investigates labor recruiters and agents. If there is any wrongdoing, the case may be referred for prosecution under various penal code provisions, including "swindling." There are occasional reports of confiscation of passports of foreign workers, although such reports are limited because, according to independent TIP experts, Egypt's large labor force and low wages makes Egypt a relatively unattractive destination for labor migrants and there is no formal labor sponsorship (Kafala) system in the country.

-- D. Those who exploit, use or incite victims under 21-years old to practice prostitution shall be sentenced to not less than one year and not more than five years imprisonment. Anyone who uses any means of coercion, threat, or abuses this authority over the victim in order to exploit him/her sexually shall be subject to not less than one year and not more than seven years in prison. The maximum penalty level of seven years imprisonment is used if the perpetrators committed crimes against two or more victims. According to article 267 of the Penal Code, rape is punishable by 15 years in prison if the perpetrator uses any means for coercion or threat, 25 years in prison if committed by family member or guardian, and death if accompanied by the abduction of the victim.

-- E. Since May 2009, there have been a number of high profile prosecutions for trafficking related offenses. In May 2009, an Alexandria court, using the 2008 amendment to Egypt's Child Law and other penal code provisions, convicted two men of forcing eight street children into prostitution. The court sentenced one trafficker to life and the other to fifteen years in prison. In October 2009, Egyptian courts, also using the 2008 Child Law amendments, convicted and sentenced to prison two marriage registrars for illegally facilitating the marriages of more than 100 under-age girls to foreign men (ref B).

In November, local press reported that as part of an on-going investigation into under-age marriages, an additional 21 marriage registrars - suspected of illegally recording over 800 such marriages in 2009 - had been arrested.

In February, the Public Prosecutor initiated criminal proceedings against five suspects for facilitating the marriage of an under-age girl to an older man from Saudi Arabia. The defendants include the victims' parents, the Saudi "husband," a marriage "broker," and a lawyer who facilitated the marriage. All were reportedly charged with violating the Child Law.

-- F. During the year, the NCCM continued to provide TIP training to government employees. NCCM's TIP Unit trained an estimated 500 prosecutors, judges, police officers Ministry of Tourism employees, police officers, labor inspectors and social workers.

--G. The Prosecutor General told us that the Egyptian government will cooperate with other governments in the investigation and prosecution of trafficking cases.

--H. The government provided no specific information on extraditions.

-- I. There is no evidence of government involvement in or tolerance of trafficking, on a local or institutional level.

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-- J. There is no evidence government officials are involved in trafficking.

--K. There were no allegations that Egyptian peacekeepers were involved in trafficking.

-- L. There are anecdotal reports from independent experts of child sex tourism in Cairo, Alexandria, and Luxor but no statistics are available. There are no reports of Egyptians involved in extraterritorial sex tourism.

15. (U) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. The Government is constrained by lack of resources. There is a medical file started for each child victim. The Ministry of Social Solidarity and NGO's provide basic health care for victims. El Orman Orphanage, a private facility operated by an NGO, houses children in need of protection.

-- B. There are care facilities, although resources may not be sufficient to meet the needs of all victims. In 2009, the Ministry of Health (MoH) entered into an agreement with the IOM to establish a trafficking victim's care center in a Cairo public hospital, staffed with MoH employees trained in identifying and assisting trafficking victims. The center, due to open in March 2010, will serve as a pilot for other centers and will provide care to both domestic and foreign trafficking victims. Egypt's Ministry of State for Family and Population (MSFP), working with NGOs, established in August 2009 in Cairo's low-income Dar Al Salaam area a rehabilitation center for victims of child trafficking.

The Ministry of Social Solidarity provides shelters, but they are only open during the day, and do not provide residence for victims at night. Juvenile detention centers are in bad condition, and juveniles may be subject to incarceration with adults.

Street children generally refuse to stay in shelters. Child victims may also be referred to their guardians. Egypt's Ministry of State for Family and Population (MSFP), working with local NGOs, established in August 2009 in Cairo's low-income Dar Al Salaam area a rehabilitation center for victims of child trafficking.

The Ministry of Social Solidarity offers day-time shelters. In 2008, NCCM launched a special center for rehabilitation of victims of trafficking in persons. Other public shelters such as Hope Village provide assistance to victims. NCCM also operates a free hotline that operates 24 hours per day, 365 days per year. Street children and victims of violence and abuse can call to receive assistance.

-- C. The Ministry of Social Solidarity and NGO's provide basic health care for victims. NCCM receives partial funding from the government, but it is a quasi-governmental body.

-- D. Foreign trafficking victims may be returned to their countries of origin through their embassies in Cairo, but they are not treated as criminals.

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-- E. The government does not provide longer-term sheltering or housing benefits to victims. It also does not currently provide resources to aid the victims in rebuilding their lives, although the MOH is scheduled to open a treatment center for victims in March 2010.

-- F. The government does not have a formal referral process to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care. However, according to the government judges may make such referrals.

-- G. There are no estimates on the number of trafficking victims. Some independent experts estimate that there may be as many as one million street children in Egypt who are potentially at risk for trafficking, but there are no statistics on the actual trafficking cases among street children or other forms of trafficking. The government is currently carrying out a comprehensive study, scheduled for completion in fall 2009, to determine the scope of human trafficking.

-- H. The government's law enforcement, immigration, and social services personnel do not have a formal system of proactively identifying victims of trafficking. However, in 2008 and 2009, the IOM conducted trafficking victim identification training programs for officials of Egypt's State Security Investigative Service.

-- I. There is an effort under way to educate police and first responders to the need to respect the rights of and protect victims of trafficking. The IOM's training of police and the Prosecutor General's Handbook are two examples of this effort. However, in practice street children and prostitutes may be treated as criminals rather than victims especially by the security apparatus.

-- J. The government encourages street children to assist in the investigation and prosecution of trafficking offenses. However, in other cases the government may not push victims to testify due to familial and societal ramifications.

-- K. NCCM TIP Unit began training for government officials on TIP focusing on prosecutors and judges. NCCM's TIP Unit also completed a manual to spread awareness of the selling and trafficking of new born babies in hospitals. NCCM will follow up with training to nurses, doctors and psycho-social specialists in hospitals. There is no immigration control for identification of potential victims at the airport.

-- L. The government does not provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking.

-- M. IOM is working through the MOH with trafficking victims. UNICEF works with street children, who are at risk for becoming trafficking victims.

16. (U) PREVENTION:

-- A. There is no organized campaign to prevent trafficking. However, there has been wide media reporting on trafficking in persons, much of it related to the efforts of First Lady Suzanne

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Mubarak.

-- B. The government does not monitor immigration and emigration patterns for evidence of trafficking.

-- C. The National Commission for Combating Trafficking in Persons led by Ministry of Foreign Affairs was established to coordinate and communicate between various agencies on the issue. It has also been charged with drafting the comprehensive trafficking law.

-- D. The National Commission and NCCM's TIP Unit both are formulating a national plan of action to address trafficking in persons. IOM and UN agencies have been included in the process.

-- E: We have no information on government actions to reduce the demand for commercial sex acts.

-- F. Egyptian nationals do not often participate as consumers in child sex trafficking.

-- G. No Information. However, we have no reports on Egyptian troops in UNAMID or UNMIS being involved in trafficking.

17. (U) Partnerships

-- A. First Lady Suzanne Mubarak - through her International Women's Peace Initiative - is a leader internationally in the fight against human trafficking.

--B. We are not aware off government efforts to assist other countries' anti-trafficking efforts.
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